

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KAYLEIGH HAYES,

Plaintiffs,

-v.-

355 RESTAURANT GROUP LLC et al,

Defendants.

24 Civ. 3468 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

Plaintiff filed the Complaint in this action on May 6, 2024. ECF No. 1. On June 7, 2024, Defendants Martin Borkan and MSB Hospitality LLC (the “Borkan Defendants”) moved to dismiss the Complaint. ECF No. 11. On July 31, 2024, Plaintiff filed a First Amended Complaint. ECF No. 27. On August 15, 2024, Defendants 355 Restaurant Group LLC, Matthew Arnold, and Pir Granoff (the “355 Defendants”) moved to dismiss the First Amended Complaint. ECF No. 32. On August 19, 2024, the Borkan Defendants moved to dismiss the First Amended Complaint. ECF No. 38.

On September 17, 2024, Plaintiff filed a Second Amended Complaint. ECF No. 58. Thus, Defendants’ deadline to respond to the Second Amended Complaint was October 1, 2024. *See* Fed. R. Civ. P. 15(a)(3) (“[A]ny required response to an amended pleading must be made . . . within 14 days after service of the amended pleading . . .”). On October 1, 2024, Defendants Ilan Khutorsky, Raphael Khutorsky, Jackson Leonardo, Sando Supplies LLC, Something Good Supper Club, LLC, and Something Short, LLC answered, ECF No. 61, and the 355 Defendants moved to dismiss the Second Amended Complaint, ECF No. 62. The docket does not reflect a response to the Second Amended Complaint from the Borkan Defendants.


In light of the foregoing, Defendants’ earlier-filed motions to dismiss the Complaint and First Amended Complaint, ECF. Nos. 11, 32, 38, are hereby DENIED as moot. The Court

extends *sua sponte* and *nunc pro tunc* the Borkan Defendants' deadline to respond to the Second Amended Complaint until **December 4, 2024**.

The Clerk of Court is directed to terminate ECF Nos. 11, 32 & 38.

SO ORDERED.

Dated: November 25, 2024  
New York, New York



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JENNIFER H. REARDEN  
United States District Judge